

HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Misc. Application No.393 of 2006

1. Hemant Sethi
S/o Shri Satyapal Sethi
At present residing at F-335
IInd Floor, Vikaaspuri,
New Delhi - 11018
2. Satyapal Sethi
S/o Shri P.L.Sethi
3. Smt. Sashi Sethi
W/o Shri Satyapal Sethi
4. Ankit Sethi
S/o Shri Satyapal Sethi
Nos.2, 3 and 4 are R/o C-6/85
Keshavpuram, Delhi - 110035 Applicants

Versus

1. State of Uttaranchal
2. Smt. Rashmi Sethi
W/o Shri Hemant Sethi
At present residing at F-335
IInd Floor, Vikaspuri
New Delhi – 110018 Respondents

Hon'ble J.C.S. Rawat, J.

1. Heard Sri Ramji Srivastava learned counsel for the applicants, Sri S. S. Chauhan learned counsel for the respondent no.2 and learned A.G.A. for the State.

2. This is a petition under section 482 Cr.P.C. with the prayer to quash the chargesheet dated 09.01.2006 & 08.02.2006 as well as the proceedings of criminal case No.1948/2006 State Vs. Satyapal Sethi & others under section 323, 504, 506, 498A IPC and section 3/4 D.P. Act pending before the Chief Judicial Magistrate, Haridwar.

3. It has been alleged in the petition that the marriage was solemnized between the application no.1 and respondent no.2 on 18.11.2004 according to Hindu rites and customs. An FIR was lodged by the respondent no.2 against the applicants with the allegations that the applicants were demanding dowry of

Rs.2 lakhs and a car from the respondent no.2. The I.O. has submitted the chargesheet and the cognizance was taken against the applicants.

4. It has been alleged in the petition that vide order dated 12.01.2006 this Court directed both the parties to appear before the Marriage Counseling Cell for the purpose of reconciliation. It has been further alleged that the parties have amicably settled the matter. Learned counsel for the applicants has also filed the compromise dated 21.02.2006

5. The parties have filed a joint application dated 8.6.2006 that they have amicably settled their disputes and entered into a compromise. The said application was referred to the Addl. Registrar of this Court and the Addl. Registrar has reported that the parties have amicably settled their disputed and no disputes at present persist between them.

6. Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in B. S. Joshi and ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277:-

"12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in G.V. Rao Vs. L.H.V. Prasad and others 2000(3) SCC p/ 693 are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times.

Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extend which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about re-approachment are rendered helpless on their being arrayed as accused in the criminal case. *There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."*

7. Considering the above facts and the principles laid down by the Apex Court, the chargesheets mentioned above and the proceedings in criminal case No.1948/2006 are hereby quashed. The petition is allowed accordingly.

(J. C. S. Rawat, J.)

Dated 08.06.2006

LSR

